

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARK STAAKE,

Plaintiff,

v.

15cv715 MCA/WPL

FNU BARRELA, et al.,

Defendants.

ORDER

This order resolves three non-dispositive motions. The first is Plaintiff Mark Staake's motion for an extension of time to respond to the *Martinez* Report. (Doc. 60.) My Order to Submit a Martinez Report required Staake to "file his response or objections to the report no later than December 16, 2016." (Doc. 53 at 2 (emphasis omitted).) Staake timely filed the motion for extension on December 15, 2016, but then also timely filed his response to the report on December 15, 2016. (Docs. 60, 62.) The motion is denied as moot because Staake timely filed his response.

The second motion is Staake's Motion for Leave to File an Amended Complaint. (Doc. 61.) The motion is denied as moot. Though Staake violated District of New Mexico Local Rule 15.1 by failing to attach a copy of the proposed amended complaint to the motion, he later remedied his error by submitting a Motion for Leave to File an Amended, Supplemental Complaint, which includes a proposed amended complaint. (*See* Doc. 72 at 3-27.) I am simultaneously entering a proposed findings and recommended disposition that address this motion.

The third motion is Defendants' Motion for Leave to File a Surreply in Response to the Plaintiff's Motion for Leave to File a Supplemental Complaint. (Doc. 79.) Defendants seek to address new arguments and evidence Staake submitted with his reply to his Motion for Leave to File an Amended, Supplemental Complaint. (*See* Docs. 76, 77.) Defendants' motion is granted. Defendants have already submitted their surreply, however, so no further action is required. (*See* Doc. 82 ("Defendants' Surreply in Response to Plaintiff's Motion for Leave to File a Supplemental Complaint (Doc. 72)").)

IT IS SO ORDERED.

William P. Lynch
William P. Lynch
United States Magistrate Judge